



DEPARTMENT OF THE NAVY  
NAVY RECRUITING COMMAND  
5722 INTEGRITY DR.  
MILLINGTON, TN 38054-5057

COMNAVCRUITCOMINST 1137.3  
00IG  
3 APR 2009

COMNAVCRUITCOM INSTRUCTION 1137.3

From: Commander, Navy Recruiting Command

Subj: INVESTIGATING AND REPORTING OF ALLEGATIONS AND COMPLAINTS

Ref: (a) SECNAVINST 5370.5  
(b) BUPERSINST 5370.5  
(c) U.S. Navy Regulations, 1990  
(d) SECNAVINST 5430.92  
(e) SECNAVINST 5370.7  
(f) 18 U.S.C. § 1001 (2003)  
(g) Title 18, Chapter 47, United States Code  
(Uniform Code of Military Justice)  
(h) Navy Inspector General Investigation Manual (Jul 95)  
(i) OPNAVINST 5354.1  
(j) SECNAVINST 5300.26  
(k) OPNAVINST 5370.2  
(l) COMNAVCRUITCOMINST 5370.1  
(m) COMNAVCRUITCOMINST 5370.2

Encl: (1) Investigative (DoD/Navy/NAVCRUITCOM Hotline)  
Completion Report (Report Control Symbol 5041/2)  
(2) Sample Investigative Plan  
(3) Voluntary Statement  
(4) Privacy Act Statement  
(5) Inspector General Investigation Statement of  
Understanding  
(6) Article 31(b) Warning (Military Acknowledgement/  
Waiver of Rights)  
(7) NAVCRUITCOM Progress Report  
(8) Investigative Report Checklist  
(9) Codes/Definitions Used in Analyzing Reports of  
Investigations/Inquiries  
(10) Navy Inspector General Hotline Tracking System  
System (NIGHTS) Allegation Categories  
(11) NAVCRUITDIST Monthly Investigative Report

1. Purpose. To update policies and procedures for conducting, reporting, and managing investigations of allegations and complaints within Navy Recruiting Command; to establish timely,

thorough, objective, and flexible procedures for the investigating and reporting of allegations and complaints.

2. Cancellation. COMNAVCRUITCOMINST 5041.1A. Cancelled by COMNAVCRUITCOMINST 1137.3, INVESTIGATING AND REPORTING OF ALLEGATIONS AND COMPLAINTS and COMNAVCRUITCOMINST 5370.2, NAVCRUITCOM HOTLINE PROGRAM.

3. Background. The orientation programs for personnel assigned to duty within Navy Recruiting Command (NAVCRUITCOM) stress the ethical importance of providing full and complete information to potential Navy personnel, and the moral and legal responsibilities of ensuring that applicants meet all eligibility standards. Despite the effort to recruit quality personnel in the quantities required, misconduct and irregularities do occur in the recruitment and processing of applicants for enlistment. Such misconduct and irregularities cast doubt on the validity of a member's enlistment and contribute unnecessarily to attrition, lowered morale, the undermining of good order and discipline, and loss of trust with the public. Problems concerning recruiter integrity raise questions about a recruiter's motives and whether the recruiter should remain on recruiting duty, further casting doubt on all recruiting personnel.

#### 4. Policy

a. Per references (a) and (b), the Department of the Navy (DoN) shall demand and enforce the highest ethical standards from its members, fairly and efficiently manage its resources and people, and exercise a fiduciary responsibility over taxpayers' dollars.

b. Reporting of illegal activity is required by references (c), (d) and (e). These reports shall be based on the complainant's "good faith" belief that the information is true. Filing knowingly false complaints is a violation of references (f) and (g). Those suspected of willfully and knowingly filing false complaints are subject to prosecution and/or administrative action.

#### 5. Investigation of Allegations and Complaints

a. An alleged irregularity is any noncompliance with prescribed written policy, lawful order, or established procedure. Every alleged or apparent recruiting or enlistment processing irregularity, whether tasked from higher authority or

discovered at the Navy Recruiting District (NAVCRUITDIST) level, is to be acted upon and, when appropriate, investigated. The discovery of an irregularity will be investigated at the appropriate level to determine if it occurred and how it could have been prevented. The investigation is not to be limited to the specific incident or allegation(s) that constitute the alleged or apparent irregularity, but will be a complete examination of the entire enlistment process. This is to ensure deficiencies in the enlistment process are identified so that steps can be taken to correct them. The report of investigation will be **thoroughly reviewed by the NAVCRUITDIST Commanding Officer** to ensure the alleged or apparent irregularity was examined and addressed in complete detail. It is imperative that ALL allegations be addressed, as well as any issues that are uncovered during the course of the investigation.

b. Navy Recruiting Command has directed that reference (h) be used as guidance to conduct of ALL investigations, which are not equal opportunity in nature to include discrimination and sexual harassment. Equal Opportunity and Sexual Harassment complaints are to be investigated utilizing references (i) through (l). These references MUST be consulted for the proper conduct and format of investigations. In all investigations due consideration is to be given to independence, completeness, timeliness, and accountability.

c. References (k) and (l) shall be reviewed when investigating fraternization allegations. All allegations of fraternization between recruiters and applicants, DEPPers, or prospects, whether tasked by higher authority or revealed at the command level shall be classified as Hotline complaints, with investigations conducted per reference (m) guidelines. NAVCRUITCOM IG shall be informed of all such fraternization complaints. All other allegations of fraternization shall be investigated using the guidelines set forth in this instruction.

d. Sources of Allegations and Complaints. Allegations and complaints arise from many sources. The most common are:

(1) Disclosures made to NAVCRUITCOM IG Detachment Recruit Quality Assurance Team (RQAT) located at Recruit Training Command (RTC), Great Lakes, IL.

(2) Congressional inquiries.

(3) Hotline Complaint to Navy Recruiting Command Inspector General (00IG), Bureau of Naval Personnel (BUPERS) IG,

Navy Inspector General (Navy IG) and Department of Defense Inspector General (DoD IG).

(4) General Service Administration (GSA).

(5) Delayed Entry Program personnel (DEPpers) and parents of DEPpers.

(6) Disclosures made to Military Enlistment Processing Station/Command (MEPS/MEPCOM).

(7) NAVCRUITDIST/Navy Recruiting Region (NAVCRUITREG) self-initiated (field-originated).

(8) Results of entrance background security checks.

(9) Fleet/Field Units via Fraudulent Enlistment Processing request or reports to BUPERS.

(10) Fleet/Field Units via message, letter, or record of trial submitted to BUPERS or NAVCRUITCOM.

(11) Discoveries made during NAVCRUITCOM Command Inspections.

(12) Discoveries made by NAVCRUITCOM National Training Team (NTT) visits.

e. 00IG reviews all allegations and complaints received at NAVCRUITCOM Headquarters to determine whether an investigation will be required; gathers information pertinent to the allegation(s) or complaint(s); and determines what action is necessary. 00IG is specifically charged to review all reports of investigations for independence, completeness, timeliness, and accountability. Liaison between 00IG and RTC is provided by on-site representation of the NAVCRUITCOM IG Detachment RQAT. The NAVCRUITCOM IG Detachment RQAT assists the RTC in resolving, where possible, alleged or apparent processing irregularities. This is accomplished either through a complete review of the enlistment record and addendums on hand, or by direct liaison with the individual NAVCRUITDIST. In instances where administrative or procedural errors cannot be resolved to the satisfaction of the RTC or the NAVCRUITCOM IG Detachment RQAT, the action will be referred to the NAVCRUITCOM 00IG for resolution. ALL investigations conducted by recruiting activities, in accordance with this instruction, will be forwarded to NAVCRUITCOM 00IG.

f. Mentor. A mentor from the 00IG staff will be assigned to each case. Mentors act in an advisory capacity for field investigators, providing assistance concerning regulations, format, and content in order to facilitate submission of a complete and thorough investigative report.

g. Types of Investigations

(1) All Congressional, NAVCRUITDIST self-initiated, and NAVCRUITCOM tasked investigations shall be conducted per references (a) and (b) and shall be reported in the format of enclosure (1).

(2) NAVCRUITCOM and external Hotline Complaint Investigations (i.e., DoD IG, Navy IG, BUPERS IG) will be conducted per reference (m).

6. Action

a. Conducting Investigations

(1) NAVCRUITCOM 00IG will normally initiate and task a preliminary inquiry or an investigation upon the discovery of an alleged or apparent enlistment processing irregularity or after receipt of an allegation of misconduct. However, a preliminary inquiry, and if appropriate, an investigation WILL be self-initiated by the NAVCRUITDIST CO upon the discovery of any allegation of misconduct or an alleged or apparent enlistment processing irregularity. In all investigations, the specific irregularity, allegation(s), complaint(s), and standards violated MUST be addressed in the report of investigation, as well as any that are uncovered during the course of the investigation.

(2) The IG must be satisfied that the intended investigator, by demeanor, experience, and position is capable of conducting a professional investigation and producing a report that satisfies the standards of timeliness, independence, completeness, and accountability. For this reason, the investigation will be conducted only by a commissioned officer, warrant officer, or senior enlisted (E7, E8, or E9). The primary or lead Investigating Officer (IO) assigned should not be junior to any individual whose conduct or performance of duty is the subject of the investigation, unless permanently assigned to the IG staff, nor be a member of the subject's immediate chain of command. Commanding Officers will forward an

appointment letter and Investigating Officer IG "The Basics" completion certificate to 00IG for approval prior to commencement of investigative efforts.

(3) Reference (h) delineates the procedures for IOs to follow when conducting an investigation. For additional information IOs are to utilize Navy IG's website, [www.ig.navy.mil](http://www.ig.navy.mil) or call the NAVCRUITCOM IG Hotline 888-247-9321.

(4) NAVCRUITCOM 00IG will close cases that cannot be resolved (i.e., no witnesses, evidence, etc.) and forward a close out letter to the NAVCRUITDIST.

b. Form and Content of Investigative Report

(1) ALL reports of investigation into allegations or complaints tasked by NAVCRUITCOM 00IG or self-initiated by the NAVCRUITDIST or NAVCRUITREG will be submitted in the format contained in enclosure (1), or as otherwise directed by 00IG.

(2) Though not required as in hotline investigations, an investigative plan is recommended. Enclosure (2) provides an example format. Regardless of whether an investigative plan is submitted, ensure a list of questions for each person interviewed is included as an enclosure to the investigative report.

(3) Whenever possible, the IO will obtain sworn statements from all individuals involved and interviewed, including the complainant(s), in order to maintain accurate documentation and avoid interpretation or paraphrasing. In conducting all investigations, every effort will be made to secure signed statements and declarations, even if the individuals involved have transferred or retired. If attempts at obtaining statements are unsuccessful, address the reasons in the investigative report. All statements are to be forwarded with the report of investigation. The Voluntary Statement, enclosure (3), is provided to assist IOs in obtaining statements.

(4) The complainant(s) must be interviewed by the IO and a supplemental statement obtained. If the complainant is unreachable, contact the assigned mentor for guidance.

(5) Any written statements taken during the course of an investigation that contain personal information should be accompanied by the execution of the Privacy Act Statement,

enclosure (4), and Inspector General Investigation Statement, enclosure (5). Acknowledgement and Waiver of Rights, enclosure (6), will be given only to military personnel who are suspected of committing an offense under the Uniform Code of Military Justice (UCMJ). If, during the course of questioning, the IO suspects a military member of wrongdoing, the interview will be terminated and the member will be afforded their Acknowledgement and Waiver of Rights prior to continuing the interview. Federal employees, military, and General Service personnel must comply with the Investigating Officer and cannot refuse to answer questions, unless they are the subject of an investigation. The exception to this is a military member subject to the investigation or suspected of committing an offense.

(6) Permission must be granted from the contracting agency prior to any Contractors or contracted employees being interviewed. Contractors and contracted employees cannot be compelled to provide a statement as a witness if they indicate a desire not to do so. Under no circumstances will contractors, contracted employees, or other civilians be interviewed as subjects or suspects of the investigation. Any contracted employee suspected of wrongdoing shall have the allegation(s) or complaint(s) referred to their agency for appropriate action. Any alleged or apparent wrongdoing by other civilians not associated with government agencies must be referred to appropriate civilian authorities.

(7) The IO will obtain the complete RTools record and residual file for all applicants and DEPpers who are either complainants or subjects of the investigation. These records must be included with the investigative report.

(8) All additional allegations or complaints uncovered during the course of an investigation must be addressed in the report. However, in some cases, additional allegations or complaints discovered may require a separate investigation. It is the responsibility of the IO to inform the tasking authority of the additional discovered allegations or complaints. The tasking authority will then determine if a separate and independent investigation is required to address the new allegations or complaints, or can be completed by the IO during the course of their investigation.

c. Disposition of the Investigative Report

(1) Upon completion of the investigation, the IO will submit an electronic investigative report using the format in

enclosure (1) or as otherwise directed by NAVCRUITCOM 00IG, via the NAVCRUITREG Commander or NAVCRUITDIST Commanding Officer, reflecting the findings of the investigation, conclusion(s), specific information on potential disciplinary or punitive action to be taken as applicable, recommended corrective action and any other appropriate recommendations. It is imperative that all statements, copies of documents, and forms included with the investigative report be complete and legible. Forwarding of the report is not to be delayed until the completion of any administrative disciplinary action. However, any administrative disciplinary action taken prior to forwarding the report will be included in the investigative report or endorsement. **Cases will not be closed until all administrative/disciplinary actions are complete for substantiated allegations.** The NAVCRUITREG Commanders or NAVCRUITDIST Commanding Officers will include a statement of concurrence or non-concurrence with the findings, conclusions, and recommendations of the IO. Additional recommendations and comments should be included, as appropriate. The report may be returned by endorsement for additional information, corrective action, or resubmission.

(2) Should it become apparent during the course of the investigation that established recruiting management or administrative standards or policies were a contributing cause to the irregularity, a recommendation should be included for revisions to such standards or policies order to preclude recurrence of similar situations. NAVCRUITCOM 00J and NAVCRUITCOM N3 will perform a legal and policy review should the investigation identify any legal or policy issues.

(3) **Investigations and ensuing reports, even if self-initiated, are to be completed and forwarded to NAVCRUITCOM 00IG.** All self initiated investigations require immediate notification to Code 00IG. The Commanding Officer will provide a brief synopsis of the investigation. Normally, the 00IG tasking letter will assign a four-week (30-day) completion period; however, self-initiated investigations should be forwarded within three-weeks (21-days) of discovery of the irregularity, allegation, or complaint. The organization and individual tasked with the investigation are responsible for ensuring that the due date is met. Extensions for Congressional Inquiries or external generated investigations normally cannot be granted. However, it is understood extenuating circumstances may arise during the investigation that will prevent the due date from being met. Therefore, on a case by case basis extensions will be granted. Requests for additional time to complete an investigation must be submitted via email to



NAVCRUITCOM 00IG within a reasonable time prior to the due date. This report can be submitted as an attachment using enclosure (7) or directly entered on email, providing the same information as enclosure (7).

(4) Each level of command shall analyze investigations in order to maintain the highest recruiting standards. NAVCRUITCOM 00IG, will review the report of investigation for thoroughness, completeness, timeliness, and accountability and record as substantiated or unsubstantiated, in whole or in part, the findings, conclusions, and recommendations.

(5) **All** investigative reports conducted pursuant to this instruction, **whether tasked by higher authority or self-initiated**, along with the command endorsement, **are to be electronically sent to NAVCRUITCOM 00IG. These documents can be sent via email to [CNRC\\_IG\\_ADMIN@navy.mil](mailto:CNRC_IG_ADMIN@navy.mil) or saved on a disc/CD and mailed to NAVCRUITCOM IG.** Hard copies are to be mailed, in separate envelopes, to NAVCRUITCOM with attention to 00IG. Electronic correspondence can be either scanned (i.e., a signed PDF letter), have an approved /s/ or contain an electronic signature authorized by your command.

(6) Enclosure (8) provides a checklist for case review prior to submission.

## 7. Uses of Reports of Investigation

a. Completed reports of investigations, including endorsements, provide an excellent source of management information. Memorandums for the record of preliminary inquiries shall be maintained on file for a minimum of two-years. The completed reports for AEPI's, with final dispositions, are to be maintained on file for a minimum of two years. There maybe circumstances that require completion reports to be maintained for longer periods of time as determined by the Inspector General.

b. NAVCRUITCOM 00IG may make recommendations for recruiting and processing policy changes or improvements and suggest that other commands and agencies, both internal and external to the Navy, be informed of the results of the investigation.

c. For purposes of statistical analysis, all irregularities, allegations, or complaints substantiated or unsubstantiated, will be coded with one of the codes contained

in enclosure (9), and recorded in NAVCRUITCOM 00IG investigation database. All irregularities will be documented and tracked.

d. Navy Inspector General Network uses "allegation categories" in its Navy Inspector General Hotline Tracking System (NIGHTS), enclosure (10), to track data about IG complaints at all levels of the IG system in order to, spot trends within the services. In addition, NAVINSGEN uses these categories to report types of complaints received to the Secretary of the Navy and Chief of Naval Operations. All investigation tasking letters issued from convening authorities to initiate an inquiry or formal investigation into any allegation will utilize these codes right behind the SSIC of the letter being issued. NAVCRUITCOM 00IG will also utilize these allegation codes when issuing tasking or closeout letters.

8. Reports. The reporting requirement contained in paragraph 6c is exempt from formal approval and licensing per reference (d).

9. Monthly Reporting Procedures

a. NAVCRUITDISTs will submit enclosure (11) electronically by the fifth working day of the month to NAVCRUITCOM 00IG. Report Control Symbol 5041-1 has been assigned to this reporting requirement. All investigations opened or closed each month will be documented as well as all pending investigations.

b. Negative reports are required.

/s/  
R. R. BRAUN  
Deputy

Distribution:  
Electronic only, via  
<http://www.cnrc.navy.mil/Publications/directives.htm>

**Alleged Enlisted Processing Irregularity**  
**Investigative Completion Report RCS 5041/2**  
***(Date of Report)***

**1. Administrative Information**

a. Investigator(s) and identifying information (Name, Rank, and/or Grade, Title, Organization, and Telephone Number/Email Address or official(s) conducting the investigation.

b. Location of working papers:

**2. Background and Summary**

a. Tasking Date.

b. Summary of Complaint. (Brief summary of allegations in the IO's own words).

c. Additional Information (Optional). (This section helps the reader understand the case, i.e., outcome of previous, related investigations, results of Preliminary Inquiry, and if any allegations were referred to the command or other process for investigation.)

d. Summary of Outcome if Investigation. (Brief summary of outcome to include how many allegations there were, who they were against, how many were substantiated, and disposition for substantiated allegations, if action had been taken.)

e. List of Allegations (Optional). List what each allegation is about and the violation of standards pertaining to the allegation.

**3. First Allegation.** (State allegation to include criminal/regulatory violation and whether it was substantiated or unsubstantiated.)

a. Facts. (Standards, i.e., rules/regulations/statutes, derived from testimony, documents and physical evidence.)

b. Analysis/Discussion/Conclusion. (Weigh evidence, resolve conflicts, state opinions, include mitigating factors w/explanation, and explain the rationale for the conclusions;

i.e., "Based on witness testimony, we concluded that Ms. Chase did not return to the conference on the afternoon of 3 March not was she present on Thursday, 4 March for the entire day.")

c. Recommendation(s). (General, such as administrative changes or "take appropriate action to hold subject accountable" - not specific, punitive, disciplinary, adverse administrative, if financial issue have PSD audit subjects account.)

d. Disposition. (Corrective or Administrative Action taken as result of substantiated allegation.)

4. **Second Allegation/Issue (if applicable)**

5. **(or last section) Interviews and Documents reviewed**

## Sample Investigative Plan

### 1. ALLEGATIONS/ISSUES

a. **SOURCE OF ALLEGATIONS:** Recruit Quality Assurance Team

b. **ALLEGATIONS LIST:**

(1) That MM1 Joe Recruiter advised applicant, SR Jane DEPPER to conceal pre-service medical condition in violation of COMNAVCRUITCOMINST 1130.8H.

(2) That MM1 Joe Recruiter failed to properly witness parental consent signatures on SR Jane DEPPER's DD Form 1966 dated March 3, 2008 in violation of COMNAVCRUITCOMINST 1130.8H.

### 2. **BACKGROUND**

a. **RELEVANT STATUTES/DIRECTIVES/REGULATIONS/POLICIES**

Rule/Regulation	Topic	Elements of Proof
CNRCINST 1130.8H, Vol. I, Chap. 1, Section 4, 010406	Concealing applicant information	Under not circumstances shall recruiting personnel instruct applicant to withhold any information regarding medical/physical information, to include treatment, medication prescribed, or minor illnesses, regardless of when treatment occurred or the applicant's current medical/physical status. 1) Did the applicant have undisclosed medical condition? 2) Was the recruiter aware of this condition?
CNRCINST 1130.8H, Vol. III, Chap. 1, Section 2, 010202	Witnessing signing of consent papers by recruiting personnel	Members of the recruiting command must visually witness the signing of consent papers in all cases except as follows: - CO authorized a Notary Public to witness signature - Custodial parent resides outside US - emancipation by legal court order/marriage 1) Did recruiting personnel visually witness parents signature? 2) If no, did one of above exceptions apply?

b. **PREVIOUS INVESTIGATIONS:** None.

### 3. EVIDENCE

a. **DOCUMENT LIST:**

DOCUMENT	LOCATION	DATE OBTAINED	COMMENTS
DD Form 1966	Residual File at NRD	6/25/08	Record of Military Processing
DD Form 2807-2	Residual File at NRD	6/25/08	Medical Screening Form
DD Form 2808	Residual File at NRD	6/25/08	Report of Medical Examination
DD Form 2807-1	Residual File at NRD	6/25/08	Report of Medical History
WEBRTOOLS		6/25/08	
Civilian Medical Records	Request mother/possibly in residual file	7/27/08	Obtained from mother
SR Depper Statement	Tasking Documents	6/25/08	

b. **INTERVIEW LIST:**

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Name	Command/Position	Phone	Category	Date Interviewed	Comments
SR Jane Depper	RTC Great Lakes	(301) 555-2209	Complainant	7/6/08	Re-interview to get confirmation of allegations
MM1 Sam Recruiter	NRS Somewhere	(301) 555-4430	Subject	7/1/08	Interview last
NC1 Bob Wired	NRS Somewhere	(301) 555-1991	Witness	7/1/08	RINC
NCC Tom Ahawk	NRD Somehow	(301) 555-2903	Witness	7/23/08	Zone Supervisor Located in NRS Nowhere
HM2 Ban Daid	NRS Somewhere	(301) 555-1060	Witness	7/21/08	Station Recruiter Transfers 8/1/08
Missin Gyou	11 End of the RD Somewhere ST	(619) 555-6709	Witness	7/27/08	Mother of SR Depper

**c. INTERVIEW SEQUENCE PLAN:**

ORDER	INTERVIEWEE	CATEGORY	ALLEGATIONS	QUESTIONS
1	Depper	Complainant	1, 2	Do you have a pre-service medical condition? If yes, did you disclose this condition to recruiting personnel? Who? Was anyone else present? Did your mother sign the parental consent form? Who was present when the when the form was signed?
2	HM2 Daid	Witness	1	Where you present when SR Depper was being blueprinted? Did you help with the preparation of SR Depper's enlistment documents? Did you personally speak with SR Depper at any time? What was discussed? Do you have any knowledge of SR Deppers medical condition?
3	NC1 Wired	Witness	1	Where you present when SR Depper was being blueprinted? Did you help with the preparation of or review SR Depper's enlistment documents? Did you personally speak with SR Depper at any time? What was discussed? Do you have any knowledge of SR Deppers medical condition?
4	NCC Ahawk	Witness	1	Where you present when SR Depper was being blueprinted? Did you help with the preparation of SR Depper's enlistment documents? Did you personally speak with SR Depper at any time? What was discussed? Do you have any knowledge of SR Deppers medical condition?
5	Ms Gyou	Witness	1, 2	Did you sign the parental consent documents for your daughter? Who was present at the time you signed the documents? Does your daughter have a medical condition? Did she have this condition before entering the Navy? Do you know if your daughter disclosed this condition to recruiting personnel? If yes, where you present when this information was discussed and who was present?
6	MM1 Recruiter	Subject	1, 2	Did you blueprint SR Depper? Did you help SR Depper complete her enlistment documents? Did anyone else work on her documents? Did SR Depper at any time disclose a medical condition? Were all disclosures documented properly? Did you visually witness Ms Gyou's signature on the parental consent form? -If yes, who else was present at the time?

**d. PHYSICAL EVIDENCE:** None.

**4. ADMINISTRATIVE MATTERS**

**a. NOTIFICATIONS:** Need to notify front office that will be investigating/interviewing. (Notified 6/23/08).

**b. ITINERARY:** Local area. No travel necessary.

**c. INTERIM RESPONSES REQUIRED:** Will need progress report NLT 2 July (didn't get tasking in time to meet 25-day deadline).

**d. EXPECTED COMPLETION DATE:** 16 August 2

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<b>OFFICE OF THE INSPECTOR GENERAL</b> <b>NAVY RECRUITING COMMAND</b>  <b><u>Voluntary Statement</u></b>	1. PLACE
	2. DATE
<p>I, _____, make the following free and voluntary statement to _____ whom I know to be _____</p> <p>I make this statement of my own free will and without any threats or promises extended to me. I was advised of the applicable provisions of the Privacy Act, and signed a Privacy Act statement. I declare under penalty of perjury, 28 U.S.C. 1746, that the following voluntary statement is true and correct to the best of my knowledge:</p>	
Page ___ of ___ Pages	

FOR OFFICIAL USE

Enclosure (3)



**Privacy Act Statement**

*(Data Required by the Privacy Act of 1974)*

**PRIVACY ACT STATEMENT**

**For Personal Information Taken During  
Inspector General Interviews**

**AUTHORITY:** Title 10, U. S. Code, Sections 5014 and 5020

**PURPOSE:** To determine the facts and circumstances surrounding allegations or complaints against Naval personnel and/or Navy/Marine Corps activities. To present findings, conclusions, and recommendations developed from investigations and other inquiries to the Secretary of the Navy, CNO, CMC, or other appropriate Commanders. Disclosure of Social Security Account Number is voluntary, and if requested, is used to further identify the individual providing the information.

**ROUTINE USES:** The information is used for the purpose set forth above and may be:

- a. forwarded to Federal, State, or local law enforcement agencies for their use;
- b. used as a basis for summaries, briefings, or responses to Members of Congress or other agencies in the Executive Branch of the Federal Government;
- c. provided to Congress or other Federal, State, and local agencies, when determined necessary.

**MANDATORY OR VOLUNTARY DISCLOSURE AND EFFECT ON INDIVIDUAL NOT PROVIDING INFORMATION:**

**For Military Personnel:** Disclosure of personal information is mandatory and failure to do so may subject the individual to disciplinary action.

**For Department of the Navy Civilians:** Failure to disclose personal information in relation to individual's position responsibilities may subject the individual to adverse personnel action.

**For All Other Personnel:** Disclosure of personal information is voluntary and no adverse action can be taken against individuals for refusing to provide information about themselves.

**ACKNOWLEDGMENT**

I understand the provisions of the Privacy Act of 1974 as related to me through the foregoing statement.

Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Signature: \_\_\_\_\_  
Rate/Rank: \_\_\_\_\_

Date: \_\_\_\_\_  
SSN (Last 4 only): \_\_\_\_\_

**Inspector General Investigation Statement Of Understanding**

**NAVY PERSONNEL AND IG INVESTIGATIONS:** You understand Department of the Navy personnel have a duty to cooperate with an IG investigation and specifically have been advised of the following:

- Military personnel and civilian federal employees must answer all questions relating to an investigation. (Military Personnel only except those that may be self-incriminating).
- SECNAVINST 5430.57 states that all Department of the Navy personnel shall respond to any IG request or inquiry, as if made by the Secretary.
- Article 1137 of the US Navy Regulations requires persons in the Naval service to report offenses under the UCMJ (except when they themselves are criminally involved in the offense). You are not suspected of any violations at this time on this investigation. If you were to become a suspect, I would advise you of your Article 31B or Miranda Rights.

**Knowingly making a false statement to an investigator is a violation of federal law subject to a fine of \$10,000 or up to five years imprisonment or both for military personnel.**

**CLOSING:** You have been provided the following cautions:

- That the contents of an IG investigation are subject to the Privacy Act.
- You're not to discuss any of the information we have covered with anyone other than members of this investigative team, the Navy IG, BUPERS IG, or NAVCRUITCOM IG offices and your lawyer.
- You're to refer anyone who approaches you on these issues to NAVCRUITCOM IG.
- If you believe any action is taken against you in reprisal for your cooperation with this investigation, you will immediately contact NAVCRUITCOM IG.
- You will notify NAVCRUITCOM IG if you think of anything later that you feel is pertinent to this investigation.

You have read this entire statement and the attached one page Privacy Act statement signed by you (attachment 1).

Signature: \_\_\_\_\_ Last Four SSN: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Rate/Grade: \_\_\_\_\_

Position/Title: \_\_\_\_\_ Date: \_\_\_\_\_

**Article 31(b) Warning**  
**(Military Acknowledgement/Waiver of Rights)**

SUSPECT'S RIGHTS ACKNOWLEDGEMENT/STATEMENT (See JAGMAN 0170)

Full Name (Accused/Suspect)	SSN (Last 4 only)	Rate/Rank	Service (Branch)
Unit/Activity		Date of Birth	
Name (Interviewer)	SSN (Last 4 only)	Rank/Rank	Service (Branch)
Organization		Billet	
Location of Interview		Time	Date

**Rights**

I certify and acknowledge by my signature and initials set forth below that, before the interviewer requested a statement from me, I was warned that:

(1) I am suspected of having committed the following offense(s):

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\_\_\_\_\_(Initial)\_\_\_\_\_

(2) I have the right to remain silent;.....(Initial)\_\_\_\_\_

(3) Any statement I do make may be used as evidence against me in trial by court-martial;.....(Initial)\_\_\_\_\_

(4) I have the right to consult with lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both, and;.....(Initial)\_\_\_\_\_

(5) I have the right to have such retained

civilian lawyer and/or appointed military lawyer present  
during this interview.....(Initial)\_\_\_\_\_

**Waiver Of Rights**

I further certify and acknowledge that I have read the above statement of  
my rights and fully understand them, and that  
.....(Initial)\_\_\_\_\_

(1) I expressly desire to waive my right to remain  
silent;.....(Initial)\_\_\_\_\_

(2) I expressly desire to make a statement.....(Initial)\_\_\_\_\_

(3) I expressly do not desire to consult with either a civilian lawyer  
retained by me or a military lawyer appointed as my counsel without cost to  
me prior to any questioning  
.....(Initial)\_\_\_\_\_

(4) I expressly do not desire to have such counsel present  
with me during this interview; and.....(Initial)\_\_\_\_\_

(5) This acknowledgement and waiver of rights is made freely and  
voluntarily by me, and without any promises or threats having been made to  
me or pressure or coercion of an kind having been used against  
me.....(Initial)\_\_\_\_\_

Signature (Accused/Suspect)	Time	Date
Signature (Interviewer)	Time	Date
Signature (Witness)	Time	Date

**NAVCRUITCOM Progress Report  
As Of (Date)**

1. **Applicable DoD Component:**
2. **Hotline Control Number(s)(if applicable):**
3. **Date Investigation Initially Received:**
4. **Status:**
  - a. Name of Organization conducting investigation:
  - b. Type of investigation being conducted:
  - c. Results of investigation-to-date (summary):
  - d. Reason for delay:
  - e. Request extension to:
5. **Expected Date of Completion:**

### Investigative Report Checklist

<b>Subject:</b>			
Yes	No	NA	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Commanding Officer's endorsement indicates whether the allegations were Substantiated or Unsubstantiated
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Commanding Officer's endorsement identifies the subjects against whom the charges were for.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Corrective/Administrative action is addressed in the Commanding Officer's endorsement or on separate document.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Completed investigation was submitted to Tasking Authority within deadline. (90 Days) of tasking If not indicate below.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO included name, rank/grade, position, organization, telephone # and any other identifying information to assist the tasking authority to ascertain independence?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Report is in the proper format in accordance with COMNAVCRUITCOMINST 5370.XX.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Io Appointment Letter
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Investigating Officer IG "The Basics" completion certificate
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Written Statement and/or Results of Interview from those personnel interviewed
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Privacy Act Statements for those personnel interviewed and or who provided a written statement
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Acknowledgement of Rights for the accused (Article 31)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Required documents from Tasking Authority as indicated in Tasking letter.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	R-tools
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Residuals (complete enlistment package
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO was independent, i.e. free from bias, free from command influence and senior to subject? If not why?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO addressed all tasked and emerging allegations? If not, why?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO interviewed the complainant (mandatory if complainant is named)? If not, why?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO interviewed the subject(s). If not, why?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO interviewed key witnesses? If not, why?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO collected all evidence including documents (cite title, originator, date) and interviews (name, grade, position, and method of interview). If not, why?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO wrote allegations in the proper format citing to applicable standards?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO clearly cited standard in Facts sections of Investigative Report?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO reconciled conflicting evidence?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO supported conclusions with evidence?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO discussed mitigating circumstances?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO obtained legal review (mandatory for significant cases)? If not, why?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Investigative Report stands alone, i.e. all relevant information is included and discussed in the body of the report with no reference to enclosures?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Investigative Report is balanced and fair to all parties?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO correctly documented disposition, i.e., for unsubstantiated allegations, "no further action necessary"; for substantiated allegations, "forwarded to higher authority for appropriate administrative and/or corrective action" or "corrective action completed" (include description of corrective action)?

**Codes/Definitions Used in Analyzing  
Reports of Investigations/Inquires**

**Codes for Substantiated Irregularities**

(Substantiated: Sufficient evidence, testimony and/or circumstantial evidence presented to determine accountability).

**A** - Irregularity: Intentional fraud on the part of the recruiter. (malpractice)

**B** - Irregularity: Poor judgment or processing irregularity on the part of the recruiter, no intent to defraud.

**C** - Recruiter processing irregularity not corrected by NAVCRUITDIST processing quality control.

**D** - Processing irregularity on the part of NAVCRUITDIST processing or quality control personnel, including poor judgment with no intent to defraud.

**E** - Irregularity: Intentional fraud on the part of the NAVCRUITDIST processing/quality control personnel. (malpractice)

**F** - Irregularity: Intentional fraud by a NAVCRUITCOM authority higher than the NAVCRUITDIST.

**G** - Irregularity: Poor judgment or processing irregularity by a NAVCRUITCOM authority higher than NAVCRUITDIST, no intent to defraud.

**H** - Irregularity: Intentional fraud on the part of the NAVCRUITDIST at command level.

**I** - Irregularity: Poor judgment or processing irregularity on the part of the NAVCRUITDIST at command level, no intent to defraud.

**J** - Poor judgment on the part of the NAVCRUITDIST at command level; no intent to defraud.

**K** - Poor judgment by a NAVCRUITCOM authority higher than NAVCRUITDIST; no intent to defraud.

**Codes for Unsubstantiated Irregularities**

(Unsubstantiated: Insufficient evidence, testimony and/or circumstantial evidence exists to determine accountability).

- 1 - One person's word against another's.
- 2 - Recruiting personnel conduct not as alleged or indicated.
- 3 - Manipulation by recruit or military personnel other than the individual the allegation was directed towards.
- 4 - Manipulation by others not in, or not acting on behalf of, NAVCRUITCOM (or Navy).
- 5 - Recruiting personnel acted within current policy and published procedures. NAVCRUITCOM policy decision may be necessary in order to alleviate future allegations of this type.
- 6 - The accused or involved recruiting personnel unable to be located, or are retired, and/or nature of the case so minor, and/or the allegation or incident so questionable with the facts at hand to render further investigation not worthwhile.
- 7 - Allegation due to misunderstanding on part of recruit, member or others, no intent by them to manipulate, no offense on the part of recruiting personnel.
- 8 - Enlistment or kit processing error(s) on the part of the recruiter, NAVCRUITDIST processing or quality control personnel which were so minor as to not effect the enlistment.
- 9 - Allegation refuted by an equal or larger number of people than those supporting the allegation.
- 10 - Further investigation or review not warranted because the irregular circumstances of the enlistment have been corrected and no benefit to the recruiter, member, or NAVCRUITCOM can be expected as a result of further action.



**Codes for Applicable Case Type/Explanation**

<b><u>AC</u></b> - ALCOHOL RELATED OFFENSES	ALCOHOL ABUSE
<b><u>CC</u></b> - CONCEALMENT CIVIL	CONCEALMENT OF AN APPLICANT/DEPPER CIVIL INVOLVEMENT
<b><u>CD</u></b> - CONCEALMENT DEPENDENT(S)	CONCEALMENT OF AN APPLICANT/DEPPER DEPENDENT(S)
<b><u>CE</u></b> - COERCED ENLISTMENT	COERCED ENLISTMENT/COURT INDUCED ENLISTMENT
<b><u>CM</u></b> - CONCEALMENT MEDICAL	CONCEALMENT OF AN APPLICANT/DEPPER MEDICAL HISTORY
<b><u>CU</u></b> - CONCEALMENT DRUGS	CONCEALMENT OF AN APPLICANT/DEPPER DRUG HISTORY
<b><u>DI</u></b> - DISCRIMINATION	DISCRIMINATION/ACTING ON THE BASIS OF PREJUDICE
<b><u>DU</u></b> - DRUG	DRUG USE/ABUSE
<b><u>FB</u></b> - FALSIFIED DOCUMENTS (BIRTH)	FALSIFIED DOCUMENTS BIRTH CERTIFICATE/VERIFICATION
<b><u>FC</u></b> - FALSIFIED DOCUMENTS (EDUCATION)	FALSIFIED DOCUMENTS EDUCATION and/or CREDENTIALS
<b><u>FD</u></b> - FALSIFIED DOCUMENTS (SSN)	FALSIFIED DOCUMENTS SOCIAL SECURITY
<b><u>FE</u></b> - FRAUDULENT ENLISTMENT	FRAUDULENT ENLISTMENT OF AN APPLICANT
<b><u>FN</u></b> - FRATERNIZATION (NONSEXUAL)	FRATERNIZATION (NONSEXUAL)
<b><u>FP</u></b> - FALSE PROMISE	FALSE PROMISE/MISLEADING APPLICANT
<b><u>FS</u></b> - FRATERNIZATION (SEXUAL)	FRATERNIZATION (SEXUAL)
<b><u>IS</u></b> - INELIGIBLE SCHOOL GUARANTEE	INAPPROPRIATE/INELIGIBLE SCHOOL GUARANTEE
<b><u>IW</u></b> - INAPPROPRIATE WAIVER	LACK OF or IMPROPER DOCUMENTATION OF or INAPPROPRIATE WAIVER and/or REQUIRED INTERVIEW
<b><u>MD</u></b> - MEDICAL	UNDOCUMENTED MEDICAL I.E ASTHMA, SURGERIES, BROKEN BONES ETC.
<b><u>PC</u></b> - PARENTAL CONSENT	PARENTAL CONSENT/ENLISTMENT OF A MINOR (UNDER 18 YEARS OLD)
<b><u>PE</u></b> - PROCESSING ERROR	PAPERWORK/PROCEDURAL ERROR
<b><u>PR</u></b> - POLICE RECORD	POLICE RECORD/POLICE INVOLVEMENT
<b><u>PS</u></b> - PRIOR SERVICE	PRIOR SERVICE (NOT PROPERLY DOCUMENTED)
<b><u>RP</u></b> - RESERVE PROCESSING	RESERVE APPLICANT PROCESSING ERRORS
<b><u>TC</u></b> - TEST COMPROMISE	(TESTING IRREGULARITY) OTHER THAN EST

**Recruiting and Enlistment Processing Irregularity Definitions**

1. **MALPRACTICE**. Malpractice is concealment of, or conspiracy to conceal, a disqualifying factor of an applicant; action to qualify an ineligible applicant in violation of directives; or any intentional violation of recruiting policy or procedure which results in the processing and enlistment of an ineligible applicant. A person in recruiting, while dealing with an applicant or processing an application for enlistment is guilty of malpractice when the recruiter intentionally violates an established law, regulation, written policy, or directive in order to enlist an applicant who does not meet basic enlistment eligibility requirements. Applicants wrongfully placed in a program for which they are not qualified is just one example of conduct amounting to malpractice. The key element to a malpractice determination is that the wrong action is knowingly or intentionally accomplished by the responsible member of NAVCRUITCOM, or that the improper action is accomplished with such gross negligence as to demonstrate a reckless disregard for the procedures or consequences.
2. **ERRONEOUS ENLISTMENT**. An enlistment agreement into which the government would not have entered had the true facts been known or had the legal conclusions based upon such facts been correctly reached at that time.
3. **FRAUDULENT ENLISTMENT**. An enlistment with deliberate misrepresentation, omission or concealment by an applicant to the government, which, if known at the time, might have resulted in rejection of the applicant.
4. **MISCONDUCT**. Conduct that does not affect the enlistment qualifications of the applicant, but which is in violation of regulations or policy (e.g., coercion, fraternization, abuse of a Government-Owned Vehicle (GOV)).

3 APR 2009

**Navy Inspector General Hotline Tracking System (NIGHTS)**

The following is a list of "allegation categories" that the NAVINSGEN developed and uses in its CMIS program. NAVINSGEN uses these categories to track data about IG complaints at all levels of the IG system in order to, among other things, spot trends within the services. In addition, NAVINSGEN uses these categories to report types of complaints received to the Secretary of the Navy and Chief of Naval Operations. All investigation tasking letters issued from convening authorities that initiate an inquiry or formal investigation into any allegation will utilize these codes right behind the SSIC of the letter. NAVCRUITCOM IG will also utilize these allegation codes when issuing tasking or closeout letters.

Example:       5041/9/22               (In this case 9 = Ethics, 22 = Recruiting)  
              Ser 00/121  
              12 May 2003

- 1 - Abuse of Title/Position
- 2 - Anti-deficiency Act
- 4 - Appearance of Impropriety
- 5 - Conflicts of Interest
- 6 - Criminal Issues
- 7 - Dependent/Domestic Affairs and Support
- 8 - EEO - Race/Sex/Religion
- 9 - Ethics
- 10 - False Official Statements/Claims
- 11 - Financial Obligations
- 12 - Fraternization
- 13 - Management/Organization Oversight
- 14 - Medical/Dental Issues
- 15 - Misuse of Government Equipment/Manpower/Resources
- 16 - Not Specified
- 17 - Other
- 18 - Pay/Payroll Allowances and Entitlements
- 19 - Procurement Issues
- 20 - Prohibited Personnel Practices/Nepotism
- 21 - Quality of Life/Morale and Personnel Affairs
- 22 - Recruiting/Retirement/Discharge
- 23 - Reprisal (Not 1034)
- 24 - Safety/Environmental
- 25 - Security/Intelligence
- 26 - Sexual Harassment
- 27 - Time and Attendance
- 28 - Travel Abuses
- 29 - UCMJ/Navy Regulation Violations
- 30 - Reprisal (1034)

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Enclosure (10)

NAVCRUITDIST MONTHLY INVESTIGATION REPORT

Report Control Symbol 5041-1

NAVCRUITDIST      REGION      MONTH      YEAR

DATE (MM/DD)	RECRUITER (LAST, F I)	SSN (LAST FOUR)	ALLEGATIONS	CNRC TASKED	SELF TASKED	FINDINGS
				<input type="checkbox"/>	<input type="checkbox"/>	
ACTION TAKEN			ACTION PENDING			

DATE (MM/DD)	RECRUITER (LAST, F I)	SSN (LAST FOUR)	ALLEGATIONS	CNRC TASKED	SELF TASKED	FINDINGS
				<input type="checkbox"/>	<input type="checkbox"/>	
ACTION TAKEN			ACTION PENDING			

DATE (MM/DD)	RECRUITER (LAST, F I)	SSN (LAST FOUR)	ALLEGATIONS	CNRC TASKED	SELF INITIATED	FINDINGS
				<input type="checkbox"/>	<input type="checkbox"/>	
ACTION TAKEN			ACTION PENDING			

NAVCRUIT 5041/1 (3-07)

Page      of

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Enclosure (11)